2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper by the Islamic Republic of Iran on negative security assurances

1. The question of the security of non-nuclear-weapon States parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) against use or threat of use of nuclear weapons has been an important issue since the inception of the NPT.

2. In the early 1980s, all five nuclear-weapon States, in response to the international demand for a treaty on negative security assurances against nuclear weapons, as a first limited step, accepted some qualified undertakings not to use such weapons against States Parties to the NPT and those which renounce the production and acquisition of such weapons.

3. In early April 1995, this pledge was reaffirmed through unilateral statements by nuclear-weapon States and on 11 April 1995, just days before the 1995 NPT Review and Extension Conference, United Nations Security Council resolution 984 was adopted taking note of these unilateral statements and recognizing "*the legitimate interest of non-nuclear-weapon States parties to the Treaty on Non-Proliferation of Nuclear Weapons to receive assurances*". The Security Council is also very explicit in "*considering that the ... resolution constitutes a step in this direction*". The 1995 unilateral statements and the subsequent United Nations Security Council resolution are inseparable parts of the deal over the indefinite extension of the Treaty and the efforts to weaken those achievements seriously undermine the very credibility of the NPT.

4. The unilateral declarations of the nuclear-weapon States and the Security Council resolution were duly taken note of, in a package of decisions, by the 1995 NPT Review and Extension Conference. Principle 8 of the Decision on Principles and Objectives stipulated that "*further steps should be considered to assure non-nuclear-weapons States Parties to the Treaty against the use or threat of use of nuclear weapons. These steps could take the form of an internationally legally binding instrument.*"

5. The 2000 NPT Review Conference in paragraph 2 under "Article VII Chapter" of its Final Document reaffirmed the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons, and agreed that legally binding security assurances by the five nuclear-weapon States parties to the Treaty to the non-nuclear-weapon States strengthen the nuclear

proliferation regime and called upon the Preparatory Committee to make recommendations to the 2005 Review Conference. In view of this agreement, despite the inability of the Preparatory Committee, the NPT Review Conference has a clear mandate to make a decision on Negative Security Assurances.

6. Today, as an effect of the adoption of the Nuclear Posture Review in 2001, the non-nuclear-weapon States are more than ever under the real threat of use of nuclear weapons. The development of new types of nuclear weapons and naming non-nuclear-weapon States as targets of such inhumane weaponry clearly violates the obligations under Article VI of the Treaty and put their commitment to their 1995 unilateral statement under serious question. Contrary to some claims, the development of mini-usable nukes or the so-called bunker busters are not mere studies. Hundreds of millions of dollars have already been allocated to the project and the international community should not await the deployment or even use of such weapons to react.

7. Iran considers the total elimination of nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons and pending the total elimination of these inhuman weapons, efforts for the conclusion of a universal, unconditional and legally binding instrument on security assurances to non-nuclear-weapon States should be pursued as a matter of priority by the international community.

8. We therefore expect this Conference in the implementation of the mandate from the 2000 Review Conference, to make a decision on the Negative Security Assurances to Non-nuclear Weapon States. The Conference could reaffirm, inter alia, that:

(i) In the post cold war era and pending the conclusion of a legally binding instrument on negative security assurances, the nuclear-weapon States should undertake unconditional and unqualified commitments so as not to use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT.

(ii) In light of the new developments in the international security arena, a new resolution from the United Nations Security Council underlining unqualified security assurances on use or threat of use of nuclear weapons against non-nuclear-weapon States parties to the NPT would enhance regional and international peace and security.

9. We regret that the Preparatory Committee was disabled from producing recommendations on the Security Assurances to the 2005 Review Conference. Therefore, we propose that the Conference would establish an AD-Hoc Committee to work on a draft legally binding instrument on providing security assurances by the five nuclear-weapon States to non-nuclear-weapon States parties to the Treaty, and to submit the draft of the legal instrument to the next Review Conference for its consideration and adoption. As a first step to address the twin issues of illegality of use and NSA, we believe that as suggested by the NGO community this conference should adopt a decision through which the Conference "decides that the threat or use of nuclear weapons against non-nuclear-weapon States shall be prohibited."